IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.56549-M of 2006
Date of Decision:- 08.03.2007

Shiv Kumar Goyal & ors. ....Petitioner(s)
through
Mr.S.S.Gill, Advocate

vs.

State of Haryana & anr. ....Respondent(s)
through
Mr.R.D.Sharma, DAG, Haryana.
Mr.Sanjay Vashisth, Advocate
for the complainant.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is for quashing of F.I.R.No.275 dated 21.5.2005 under Sections 498-A, 406, 506 IPC registered at Police Station, Ballabgarh, District Faridabad and all the consequential proceedings arising therefrom.

The facts may be briefly noticed.

The petitioner No.1 was married to respondent No.2-the complainant on 20.4.2000. A female child, namely, Shivangi @ Pranjal was born out of the wedlock in April, 2001 who is stated to be in the custody of the complainant-respondent No.2.

Due to temperamental differences, the parties could not live together. Respondent No.2 thereafter got lodged the impugned F.I.R against her husband and his other family members.

Now, it is averred that with the intervention of some

respectables, the parties have resolved their dispute in terms whereof they have decided to part ways. On receiving a sum of Rs.1,50,000/- towards full and final settlement which includes maintenance and permanent alimony, respondent No.2-complainant and petitioner No.1 had filed a petition under Section 13-B of the Hindu Marriage Act, 1955 for grant of a decree of divorce by mutual consent. The said petition has been allowed and their marriage has been dissolved by a decree of divorce by the learned District Judge, Faridabad vide judgment dated 5.3.2007, a certified copy of which has been produced by learned counsel for the petitioners and is taken on record.

In terms of the compromise, respondent No.2-complainant has also agreed not to press the impugned criminal proceedings initiated by her against her former husband and his family members.

Respondent No.2-the complainant, is present in Court and has been duly identified by her counsel. She has separately deposed in support of the compromise and has further stated that she has no objection if the impugned FIR is quashed provided that a false complaint under Section 406 IPC which her mother in law is stated to have filed against her and is pending in Court at Gwalior is also withdrawn by the petitioners unconditionally and immediately.

Faced with the situation, learned counsel for the petitioners states that an application for withdrawal of the above-stated complaint has already been filed by petitioner No.6 (Smt.Rammoorti) and the said complaint shall be withdrawn forthwith. He further undertakes that after withdrawal of the said complaint, a certified copy of the order shall be

obtained and the same shall be sent to respondent No.2-the complainant by way of registered post.

After hearing learned counsel for the parties and having regard to the fact that the matrimonial dispute appears to have been amicably resolved by the parties and now they have got a decree of divorce by mutual consent, I am satisfied that continuation of the impugned criminal proceedings is an exercise in futility and an abuse of process of law.

Consequently and having regard to the principles laid down by the Hon'ble Supreme Court in the case of **B.S.Joshi** vs. **State of Haryana,** 2003 (4) SCC 675, this petition is allowed. The impugned F.I.R.No.275 dated 21.5.2005 under Sections 498-A, 406, 506 IPC registered at Police Station, Ballabgarh, District Faridabad and all the consequential proceedings arising therefrom are, hereby, quashed.

However, since respondent No.2-the complainant has given her consent to the quashing of the impugned FIR, it is made clear that it shall be the sole responsibility of petitioner No.6 to see that the above-stated criminal complaint is withdrawn/dismissed within one month from today and she shall send a certified copy of the order to be passed by the Court at Gwalior, to respondent No.2-the complainant by way of registered post, failing which respondent No.2-the complainant shall not only be entitled to get the present proceedings revived but the petitioners would also be liable to other penal consequences.

Disposed of.

March 08, 2007 **(SURYA KANT)**
poonam **JUDGE**